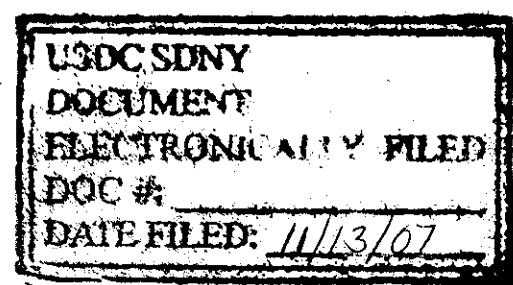


# LAWRENCE R. LONERGAN, P.C.

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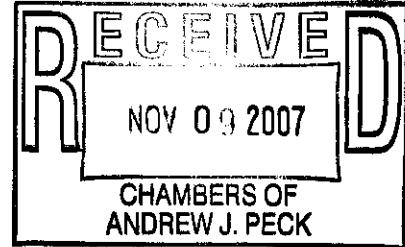
Andrew Read  
 Law Clerk



November 8, 2007

Via Facsimile: (212) 805-7933

Hon. Andrew J. Peck  
 United States Magistrate Judge  
 Southern District of New York  
 United States Courthouse  
 500 Pearl Street, Room 1370  
 New York, NY 10007-1312



MEMO ENDORSED

Re: Procapui-Productores de Camaroes de Icapui LTDA  
v. Marcial Gerald Layani, et al.  
07 Civ 6627 (BSJ) (AJP)

Dear Judge Peck:

This office is counsel for Richard Rubin, a defendant in the above-referenced matter. I write with regard to the Rule 16 Initial Pretrial Conference Order dated November 6, 2007. I respectfully request that the Court reconsider its decision to issue sanctions against me for failing to appear at the Pretrial Conference.

I received notice of the Pretrial Conference on October 30, 2007, and realized that the appearance conflicted with a long-scheduled vacation with my family to Disney World. After conferring with Your Honor's secretary and other counsel in the action, I was unable to secure an adjournment, and so arranged for another attorney to appear at the conference for my client. During the Rule 26(f) teleconference on November 2, I advised the other counsel in the matter that I would have another attorney appear on my behalf, and would not be seeking an adjournment.

This past Tuesday, however, I was stunned to learn that no one appeared for me at the conference, and that I had been sanctioned and fined as a result. There was, unfortunately, a miscommunication between my office and the office of counsel who was supposed to appear, and the wrong date for the conference was conveyed.

November 9, 2007  
Page 2 of 2

I wish to emphasize to the Court that my failure to appear was in no measure willful, as I was fully expecting an attorney to appear for my client, and meant no disrespect to the Court by my failure to appear at the conference. If at all possible, I ask that the Court rescind the fine of \$1,000.00 issued against me.

Your Honor's attention and consideration in this regard is appreciated.

Respectfully submitted,

Lawrence R. Lonergan

c: Luigi DeMaio, Esq.  
John Phelan, Esq.

(Dictated but not read)

MEMO ENDORSED

- ENDORSED, 1/13/67

  1. Soach - about 10 P.M. I am back to  
know about. (As you further  
to "atty guy", maybe will return you  
but that's better the 2 of you.) Back  
to be part of 1/19, with most of your  
belongings by 1/20.
  2. G. Brown's report from when  
of the fire & cause was as quoted,  
to 1/19/67. He history is to say  
Brown's son has all of his land.

SO ORDERED.

Hon. Andrew Jay Peck  
United States Magistrate Judge

**BY FAX**

**FAX TRANSMITTAL SHEET**

**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** November 13, 2007

**Total Number of Pages:** 3

<b>TO</b>	<b>FAX NUMBER</b>
Luigi P. De Maio, Esq.	212-889-1391
John J. Phelan, III, Esq.	212-315-3028
Arnold J. Ludwig, Esq.	718-855-9124
Lawrence R. Lonergan, Esq.	212-366-6950

**TRANSCRIPTION:**

**MEMO ENDORSED 11/13/07**

1. **Sanction reduced to \$500. Counsel needs to be more careful. (And if the fault was of the "other guy," maybe he'll reimburse you, but that's between the 2 of you.) Sanction to be paid by 11/19, with proof of payment to my chambers by 11/20.**
2. **Defendant Blackman's request for an extension of the time to answer pro se is granted, to 11/19/07. Mr. Ludwig is to supply Blackman's address, etc., to the Court.**

**Copy to:** Judge Barbara S. Jones